

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WILLIAM B. MCGUIRE, on Behalf of
Himself and All Others Similarly Situated,

Plaintiff,

v.

BMW OF NORTH AMERICA, LLC,

Defendant.

Civil Action No.: 13-7356 (JLL)

ORDER

LINARES, District Judge.

This matter comes before the Court by way of a motion to dismiss [CM/ECF No. 6] the Complaint [CM/ECF No. 1] pursuant to Federal Rule of Civil Procedure 12(b)(6) by BMW of North America, LLC (“Defendant”). For the reasons stated in this Court’s corresponding Opinion filed on June 6, 2014,

IT IS on this **6th day of June, 2014**,

ORDERED that Defendant’s motion to dismiss Count Six for unjust enrichment on behalf of himself and the class is **granted** *without prejudice*; and it is

ORDERED that Defendant’s motion to dismiss Plaintiff’s multi-state class allegations is **granted** *without prejudice*; and it is

ORDERED that Plaintiff may amend to extent he is able to cure the pleading deficiencies on or before **July 31st, 2014**; and it is

ORDERED that the remainder of Defendant’s motion to dismiss is **denied**.

IT IS SO ORDERED.

s/Jose L. Linares

Jose L. Linares

United States District Judge